



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,844	09/24/2003	Lee John Jared	WIL4944P0130US	4420

32116 7590 06/28/2005

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

EXAMINER

DANIELS, MATTHEW J

ART UNIT	PAPER NUMBER
----------	--------------

1732

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,844

Applicant(s)

JARED, LEE JOHN

Examiner

Matthew J. Daniels

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/8/04, 9/24/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1 and 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosed prior art in view of Miller (USPN 1924617) and Schindler (USPN 3852826). **As to Claim 1**, this claim is interpreted to be a Jepson-type claim containing an admission of prior art because the claim contains the elements and order recited in 37 CFR 1.75(e). Also see MPEP 2129 III. Therefore, the preamble preceding "improvement" is interpreted to be an admission of prior art. Miller further teaches an adhesive band applied by spraying at the cuff end of the polymeric glove before the rolled cuff is formed (Page 1, lines 75-101). Miller is silent to the glove being rotated about a longitudinal axis. However, Schindler teaches rotating while spraying to produce a band (3:27-42). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the methods of Miller and Schindler into that of the Applicant's disclosed prior art because doing so would have imparted an attractive edge-finish and suitable reinforcement to thin rubber articles (Miller Page 1, lines 18-22) and a reinforced cuff portion having resistance against tearing and delamination during sterilization and use (Schindler 2:10-20). **As to Claim 2**, Schindler teaches that the band contains the uncured polymer and solvent as contained by the bath. This aspect of

Art Unit: 1732

the invention would have been prima facie obvious in the combined method particularly in view of Miller's teaching that both the glove and adhesive are rubber (Page 1, lines 18-25 and line 79).

2. **Claims 3 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosed prior art in view of Miller (USPN 1924617), McGlothlin (USPN 4855169) and Schindler (USPN 3852826). **As to Claim 3**, this claim is interpreted to be a Jepson-type claim containing an admission of prior art because the claim contains the elements and order recited in 37 CFR 1.75(e). Also see MPEP 2129 III. Therefore, the preamble preceding "improvement" is interpreted to be an admission of prior art. Miller further teaches an adhesive band applied by spraying at the cuff end of the polymeric glove before the rolled cuff is formed (Page 1, lines 75-101). Miller is silent to the glove being rotated about a longitudinal axis and polyurethane. However, Schindler teaches rotating while spraying to produce a band (3:27-42) and McGlothlin teaches the various benefits of polyurethane (1:39-62). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the methods of Miller, McGlothlin, and Schindler into that of the Applicant's disclosed prior art because doing so would have imparted an attractive edge-finish and suitable reinforcement to thin rubber articles (Miller Page 1, lines 18-22), made the gloves easier to sterilize, more biocompatible than latex, have a longer shelf life, and resist pinhole formation (McGlothlin 1:39-62), and imparted a reinforced cuff portion having resistance against tearing and delamination during sterilization and use (Schindler 2:10-20). **As to Claim 4**, Schindler teaches that the band contains the uncured polymer and solvent as contained by the bath. This aspect of the invention

Art Unit: 1732

would have been prima facie obvious in the combined method particularly in view of Miller's teaching that both the glove and adhesive are rubber (Page 1, lines 18-25 and line 79).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Additionally, the following are cited as indicating the state of the art at the time of the invention:

Mallonee (USPN 2968575)

Abildgaard (USPN 3117341)

Fuchs (USPN 5459879)

Dreibelbis (USPN 5391343)

Shimomura (USPN 5128088)

Tillotson (USPN 3487146)

Lewis (USPN 2325330)

Johnston (USPN 3000757)

Ayres (USPN 3975776)

Lenhart (USPN 2683286)

Conway (USPN 5376085)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on Monday - Friday, 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJD 6/20/05

MJD



MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER